

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action objects to the disclosure based on an identified informality, which applicant has overcome by amendment. Applicant therefore respectfully requests reconsideration and withdrawal of such objection.

The Official Action rejects claim 2 under 35 USC §112, second paragraph, as being indefinite. Applicant has amended such claim to eliminate the basis for this rejection, the reconsideration and withdrawal of which are therefore respectfully requested.

The Official Action rejects claims 1-5 under 35 USC §102(b) as being clearly anticipated by DE 1 266 600. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The device of the applied reference relates specifically to handling of magnetic tapes or movie tapes. One of the known characteristics of such a material is its high level of flexibility. One manifestation of this characteristic is clear from Figure 1 of the applied reference. As is clear from such illustration, the tape is gripped between surfaces 4 and 5 in such a manner that as the tape is wound around the surface of the roll, it bends at a very sharp, nearly a 90° angle. Such an

arrangement is entirely reasonable with the material typically used as a substrate for magnetic tape.

However, such an arrangement requiring a sharp angle of the material being rolled is entirely inappropriate with a material such as sheet metal. As disclosed at least in the paragraph beginning on page 1, line 8, the present invention is specifically designed to be suitable for materials such as thin sheet metal. Moreover, as is explicitly noted in the paragraph spanning pages 1 and 2 of the present application, the present invention is further constructed so that the material being wound around the roller is protected from scratching and folding. In this way, the present invention is quite distinct from the device of the applied reference which would clearly impart a fold into any material having characteristics of sheet metal as compared to magnetic tape stock. This follows from the arrangement of the clamping surfaces with respect to the outside diameter of the device of the applied reference.

Accordingly, applicant has amended independent claim 1 to specifically recite that the securing means is arranged with respect to the support surface such that the device can be used with sheet metal as the elastic material without folding the sheet metal. This characteristic is clearly unmet and unintended by the device of the applied reference. As such, the reference fails to disclose all the features now recited in claim 1 and the claims that depend therefrom, and reconsideration and withdrawal

of the anticipation rejection are therefore respectfully requested.

The Official Action rejects claims 1-5, 7, 9 and 10 under 35 USC §102(b) as being anticipated by SPENCE 1,845,526. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The SPENCE device is a collapsing film holding spool for motion picture film. The spool includes a main segment and a collapsing segment 15. A spring 10 urges the collapsing segment into the position illustrated in Figure 1. The collapsing segment can be moved against the spring force to the position illustrated in Figure 3 for inserting or removing an end of the film stock.

As is clearly described beginning in column 3, line 45, the junction point 27 with extended lips 28 and 29 is the portion of the device that clamps the film stock. When the spool is in its normal film holding position, the extended lips 28 and 29 practically touch each other, but when the spool is collapsed, as in Figure 3, the lips 28 and 29 are separated from one another. As explicitly stated in the reference, the lips 28 and 29 form film-end jaw engaging means.

At the opposite end of the collapsing spool section 15, an upstanding latch lug 23 engages a latching ledge 12 when the collapsing portion of the spool is in its released position. However, these engaging members make contact not for the purpose

of clamping the film stock therebetween, but rather for the purpose of providing a specific release position of the pivotally collapsing member 15 so that there is formed a substantially complete drum when the collapsing member 15 is in its relaxed position. Further, the web 13 and the unnumbered web that terminates at element 23 in the collapsing section 15 would make the elements 12 and 23 utterly inappropriate for a clamping function.

Additionally, using the SPENCE device in its intended manner by gripping something like film stock between the lips 28 and 29 would be utterly inappropriate for clamping sheet metal, as is specifically recited in claim 1 in its amended form. This derives from the fact that the sheet metal would be forced into a right angle at the point where it exits the lips 28 and 29 and begins wrapping around the exterior of the device, which would necessarily introduce a fold into the sheet metal.

Beyond the features of amended independent claim 1, rejected claim 7 further recites that the movable part has a clamping jaw with an outward facing engagement surface and the fixed part has an opposing jaw with an inward facing engagement surface. This feature is clearly unmet by the lips 28 and 29 of the SPENCE device. Additionally, and as discussed in detail above, the latch lug 23 and latching ledge 12 cannot be construed as clamping jaws.

For all of these reasons, reconsideration and withdrawal of this anticipation rejection are respectfully requested.

The Official Action rejects claims 6 and 14 over SPENCE in view of RODACH 3,854,671. The Official Action separately rejects claim 8 as unpatentable over SPENCE in view of NAKAGAWA 4,266,738. In each rejection, the SPENCE reference is relied on to disclose the features for which it is offered in connection with the anticipation rejection. The secondary RODACH reference is offered for its asserted teaching or suggestion of an automatic device such as a fluid operated piston/cylinder. The secondary NAKAGAWA reference is offered for its asserted teaching or suggestion of friction increasing structures.

However, irrespective of the ability of the secondary references to teach or suggest that for which they are offered, they nevertheless fail to overcome the shortcomings of the primary SPENCE reference, for the reasons detailed above in connection with the anticipation rejection based on SPENCE.

In addition to the amendments described above, applicant has added new claims 15-19. Of these, claim 15 is an independent claim from which claims 16-19 depend. Claim 15 recites a set of features that are neither disclosed nor suggested by any of the known prior art, considered either individually or collectively. Dependent claims 16-19 recite additional features, including the requirement that the securing

means be arranged with respect to the support surface such that the device can be used with sheet metal as the elastic material without folding the sheet metal, as recited in connection with amended claim 1.

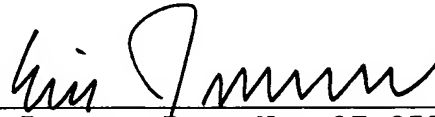
In light of the amendments provided above and the arguments offered in support thereof, applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in black ink, appearing to read "Eric Jensen", is written over a horizontal line.

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